

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

MARK A. RAWLINGS,	:	
Plaintiff,	:	Case No. 3:14cv00159
vs.	:	District Judge Thomas M. Rose
		Chief Magistrate Judge Sharon L. Ovington
CAROLYN W. COLVIN,	:	
Commissioner of the Social Security	:	<b>DECISION AND ORDER</b>
Administration,	:	
Defendant.	:	

This case is before the Court upon Plaintiff's Motion For Attorney Fees And Costs Under The Equal Access To Justice Act (EAJA), 28 U.S.C. §2412(d) (Doc. #12), Defendant's Response (Doc. #13), and the record as a whole. The Commissioner does not oppose an award of EAJA fees and costs. Still, the Commissioner objects under *Astrue v. Ratliff*, 510 U.S. 586 (2010) if Plaintiff is asking the Court to directly pay the requested EAJA award to his attorney.

Plaintiff seeks an award of attorney fees and costs under the EAJA in the amount of \$4,952.50. In the absence of opposition by the Commissioner, Plaintiff's Motion and supporting documents establish that he is entitled to an award of attorney fees costs under the EAJA in the total amount he seeks. The fees and costs awarded under the EAJA belong to Plaintiff and are subject to "administrative offset set if [he] has outstanding federal debts." *Astrue*, 560 U.S. at 593.

Accordingly, the Court hereby **ORDERS** that:

1. Plaintiff's Motion For Attorney Fees And Expenses Pursuant To The Equal Access To Justice Act (Doc. #12) is **GRANTED**;
2. The Commissioner shall pay Plaintiff's attorney fees and costs under the EAJA in the total amount of \$4,952.50;
3. The Commissioner shall verify, **within thirty days of this Decision and Order,** whether or not Plaintiff owes a pre-existing debt to the United States that is subject to offset. If no such pre-existing debt exists, the Commissioner shall pay the EAJA award directly to Plaintiff's attorney; and,
4. The case remains terminated on the Court's docket.

August 28, 2015

\*s/Thomas M. Rose

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Thomas M. Rose  
United States District Judge